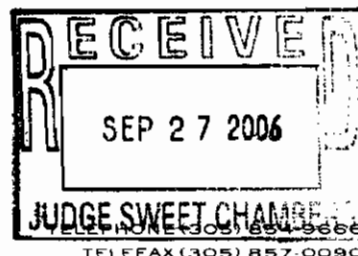


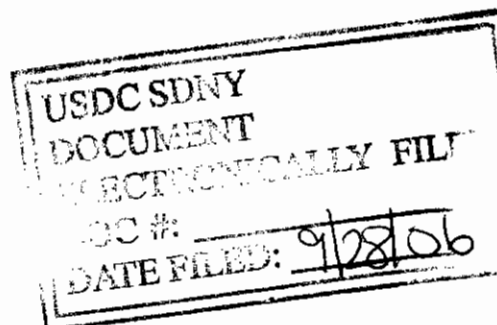
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ROBERT F. DUNLAP  
MARCIA J. SILVERS



September 22, 2006

Hon. Robert W. Sweet  
United States District Judge  
U.S. Courthouse, Room 1920  
500 Pearl Street  
New York, NY 10007-1312



Re: **Robert Bierenbaum v. Harold D. Graham, et al.**  
**Civil Case No. 06CV2120(RWS)**

Dear Judge Sweet:

This Court previously granted Petitioner Bierenbaum permission to file a Reply Memorandum in reply to the Respondent's response to his petition filed pursuant to 28 U.S.C. § 2254 and motion for an evidentiary hearing on or before September 28, 2006. Due to Tropical Storm Ernesto which caused undersigned counsel's office to be closed for two days and an unexpected surgery on the undersigned's leg on September 1, 2006, undersigned counsel needs an additional week to file that Reply Memorandum; which would make it due on or before October 5, 2006.

The Respondents, through their counsel, New York County Assistant District Attorney Mark Dwyer, consent to this request.

Please let me know if additional information could assist you.

Respectfully submitted,

*So ordered*

*Sweet v SDJ*

*9-27-06*

*Marcia J. Silvers*  
Marcia J. Silvers  
DUNLAP & SILVERS, P.A.

Mark Seiden  
MARK SEIDEN, P.A.

Attorneys for Petitioner

cc: Mark Dwyer, ADA (by fax and mail)